

LITERATURE REVIEW – COMPARATIVE ANALYSIS OF PARLIAMENTARY IMPACT IN THE LEGISLATIVE PROCESS

This is a standalone section of the literature review for my PhD, the focus of which is on the impact which parliaments have in the legislative process.

One of the main functions of parliament is to “make” the law. That is, before laws can be changed, new laws created, or old laws repealed, this must be approved by parliament.

The focus of this PhD is on what happens during that parliamentary consideration of legislative proposals? What do parliaments do to the legislation put before them by the executive? Do parliaments change the legislation? If they do change it, in what ways? Are any changes significant, trivial, or something in between?

Literature Review – Comparative analysis of parliamentary impact in the legislative process

Answering some of these questions needs a comparative framework. In order to understand the significance of a legislature’s role in the legislative process, it helps to know how it compares to other parliaments. Is its impact on legislation of a type? If it is, what is that type and what does that tell us about the parliament?

The desire to set parliaments and their role in the legislative process in comparative context is not new. There is an existing body of literature which seeks to address exactly this issue. Between them, Blondel¹, Mezey², Norton³ and Polsby⁴ have developed a range of concepts and frameworks to describe and categorise the variation which exists in parliamentary impact in the legislative process.

Set out below is a brief description of how these typologies and differentiate types and forms of impact in the legislative process. A visual representation is offered of how these different typologies can be brought together to create a unified spectrum of legislative impact. Finally, there is a consideration of some of their weaknesses and areas for further development.

Nelson Polsby – arena and transformative legislatures

Polsby proposes a spectrum of legislative power. At one end are “transformative” parliaments, capable of taking legislation created by the government (or anyone else who is entitled to create legislation) and fundamentally changing (transforming) what it does. At the other end of the spectrum are “arena” parliaments, which scrutinise legislation created by the government but do not change what it does. When he wrote his theory, Polsby suggested that the US Congress was an example of a transformative parliament and the UK Parliament of an arena parliament.

¹ Blondel, J., Legislative Behaviour: some steps towards a cross national measurement, in *Legislatures*, Norton, P., Oxford University Press, 1990, pp.186-207.

² Mezey, M. Classifying legislatures, in *Legislatures*, Norton, P., Oxford University Press, 1990, pp.149-176.

³ Norton, P., Legislatures in perspective, in Norton, P. (ed.), *Parliaments in Western Europe*, London: Frank Cass, 1990, pp. 143-152.

⁴ Polsby, N., Legislatures, in *Legislatures*, Norton, P., Oxford University Press, 1990, pp. 129-148.

The Legislative Process A Comparative Approach

Xiang Xie



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